

Steven F. Alder, (Bar No. 0033)
Fredric Donaldson, (Bar No. 12076)
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1594 West North Temple, Suite 300
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FILED

JUL 13 2010

SECRETARY, BOARD OF
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

UTAH CHAPTER OF THE SIERRA CLUB,
SOUTHERN UTAH WILDERNESS
ALLIANCE, NATURAL RESOURCES
DEFENSE COUNCIL, and NATIONAL
PARKS CONSERVATION ASSOCIATION,

Petitioners,

DIVISION OF OIL, GAS AND MINING,

Respondent,

ALTON COAL DEVELOPMENT, LLC

Intervenors,

**DIVISION'S REQUEST TO
CORRECT THE FINAL HEARING
TRANSCRIPT**

Docket No. 2009-019

Cause No. C/025/0005

The Division of Oil, Gas, and Mining (Division), by and through counsel, hereby submits this Request to Correct the Final Hearing Transcript. Counsel for Petitioners and Intervenors have also concurred with these requested corrections. *See* Exhibit 1 attached.

- Page 855

5 depicted on this. The difference between the emergence

Requested correction: depicted on this. The distance between the emergence

- Page 1074

23 MR. SMITH: Yes, it was. Again it's not on

24 this table. But there are data available for Site B

25 only.

Requested correction: But there are data available for Site BLM-1.

- Page 1269

Requested correction: 3 The speaker was MR. ALDER, not MR. ALLEN.

Respectfully submitted this 13 day of July, 2010



Steven F. Alder, (Bar No #0033)

Fredric J. Donaldson, (Bar No #12076)

Assistant Attorney General

Counsel for Division of Oil, Gas and Mining

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing Request for Agency Action, to be mailed by first class mail, postage prepaid, the 15th day of July, 2010 to:

Denise Dragoo
James Allen
SNELL & WILMER, LLP
15 West South Temple, Suite 1200
Salt Lake City, UT 84101

Stephen H.M. Bloch
Tiffany Bartz
SOUTHERN UTAH WILDERNESS ALLIANCE
425 East 100 South
Salt Lake City, UT 84111

Walton Morris
MORRIS LAW OFFICE, P.C.
1901 Pheasant Lane
Charlottesville, VA 22901

Sharon Buccino
NATURAL RESOURCES DEFENSE COUNCIL
1200 New York Ave., NW, Suite 400
Washington, DC 20005

Michael Johnson (hand delivered)
1594 West North Temple Suite 300
Salt Lake City, UT 84116

William Bernard
Kane County Attorney
78 North Main Street
Kanab, UT 84741



EXHIBIT 1

Fred Donaldson - Re: Division's Proposed Hearing Corrections

From: Fred Donaldson
To: Denise Dragoo; Walton Morris
Date: 7/13/2010 9:21 AM
Subject: Re: Division's Proposed Hearing Corrections
CC: 'Bennett Bayer'; Jim Allen; Steve Alder

We concur with the proposed change and will add it to our filing.

Fredric Donaldson
Assistant Attorney General
Utah Attorney General's Office
Natural Resources Division
801.538.5242
freddonaldson@utah.gov

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>>> Walton Morris <wmorris@charlottesville.net> 7/13/2010 9:00 AM >>>
Petitioners do not object to ACD's proposed additional change identified below.

Walton D. Morris, Jr.
Morris Law Office, P.C.
1901 Pheasant Lane
Charlottesville, Virginia 22901
Telephone (434) 293-6616
Telefax (434) 293-2811

On 7/13/2010 10:51 AM, Dragoo, Denise wrote:

All:
Alton Coal Development, LLC also concurs with the Division's proposed corrections to the hearing transcript and also add one additional minor correction:

1269:3 The speaker is Mr. Alder, not Mr. Allen.

Thanks, Denise

Denise A. Dragoo, Esq.
Snell & Wilmer L.L.P.
15 West South Temple, Suite 1200
Salt Lake City, Utah 84101
Phone: 801-257-1998
Fax: 801-257-1800
E-Mail: ddragoo@swlaw.com

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From: Walton Morris [<mailto:wmorris@charlottesville.net>]
Sent: Tuesday, July 13, 2010 7:37 AM
To: Fred Donaldson
Cc: Dragoo, Denise; Steve Alder
Subject: Re: Division's Proposed Hearing Corrections

Dear Counsel:

Petitioners concur in each of the changes to the hearing transcript that the Division requests below.

Walton D. Morris, Jr.
Morris Law Office, P.C.
1901 Pheasant Lane
Charlottesville, Virginia 22901
Telephone (434) 293-6616
Telefax (434) 293-2811

On 7/12/2010 7:08 PM, Fred Donaldson wrote:

Greetings all,

We found a couple of changes to the transcript that we would like to request.

Page 855

15 depicted on this. The difference between the emergence

Correction: depicted on this. The distance between the emergence

Page 1074

23 MR. SMITH: Yes, it was. Again it's not on
24 this table. But there are data available for Site B
25 only.

Correction: But there are data available for Site BLM-1.

We found a few other errors, but since we cite to the second passage, we think it should be corrected. Tomorrow, we plan to file a request to the Board to amend the transcript to reflect our corrections.

Thank you,

Fred Donaldson

Fredric Donaldson
Assistant Attorney General
Utah Attorney General's Office
Natural Resources Division
801.538.5242
freddonaldson@utah.gov

This email, from the Office of the Utah State Attorney General, contains information which may be confidential and/or legally privileged. The information is intended only for the use of the individual or entity named. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this email is strictly prohibited, and that the documents should be returned to this office immediately. If you have received this in error, please notify us by telephone immediately at (801) 538-5242, collect, so that we may arrange for the return of the original documents to us at no cost to you. The unauthorized disclosure, use or publication of confidential or privileged information inadvertently transmitted to you may result in criminal and/or civil liability.

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

UTAH CHAPTER OF THE SIERRA CLUB,
SOUTHERN UTAH WILDERNESS
ALLIANCE, NATURAL RESOURCES
DEFENSE COUNCIL, and NATIONAL
PARKS CONSERVATION ASSOCIATION,

Petitioners,

DIVISION OF OIL, GAS AND MINING,

Respondent,

ALTON COAL DEVELOPMENT, LLC

Intervenors,

[PROPOSED] ORDER GRANTING
DIVISION'S REQUEST TO
CORRECT THE FINAL HEARING
TRANSCRIPT

Docket No. 2009-019
Cause No. C/025/0005

ORDER

The Board hereby grants the Division's Request to Correct the Final Hearing Transcript and corrects the hearing transcript as follows:

- Page 855

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- Page 1074

23 MR. SMITH: Yes, it was. Again it's not on

24 this table. But there are data available for Site B

25 only.

Requested correction: But there are data available for Site BLM-1.

- Page 1269

Correction: 3 The speaker was MR. ALDER, not MR. ALLEN.

Entered this _____ day of July, 2010

STATE OF UTAH
BOARD OF OIL, GAS, AND MINING

Douglas E. Johnson, Chairman

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing Request for Agency Action, to be mailed by first class mail, postage prepaid, the ____ day of July, 2010 to:

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